



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 017661/0175

#7

z/26/04
JR

Applicant: Hirotaka WADA

Title: COMMUNICATION DEVICE

Serial No.: 09/819,818

Filed: March 29, 2001

Examiner: Unknown

Art Unit: 2661

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Technology Center 2600

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued October 14, 2003 with respect to a counterpart Japanese patent application is provided below.

"Regarding Claims 1, 2, 5 and 6

Cited Literature 1

(Figure 5 and Figure 6) describes an xDSL modem that changes the band used.

No reasons for rejection have been discovered as of now for inventions as per claims other than the claims indicated in this Notice of Reasons for Rejection. If any reasons for rejection are newly discovered, a notice of reasons for rejection will be issued.

List of Cited Literature

1. Japanese Unexamined Patent Application Publication H11-285035

When making an amendment, it should be explained in a Written Opinion, what language of the initial specification, etc. of the present application the amendment in question can be derived from.

Record of Prior Art Literature Search Results

Fields searched - IPC 7th Edition - H04M 11/00 – 11/10

Prior Art Literature

Japanese Unexamined Patent Application Publication H11-308352

This Record of Prior Art Literature Search Results does not constitute a reason for rejection."

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

December 31, 2003

Date

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